

City Council Special and Regular Meetings, April 10, 2001,

Twin Pines Senior and Community Center, 1223 Ralston Avenue

SPECIAL MEETING: 6:30 P.M.

CLOSED SESSION

A. Conference with Labor Negotiator, City Manager Kersnar, pursuant to Government Code Section No. 54957.6

1. MMCEA
2. AFSCME
3. BPOA

This meeting was not held.

REGULAR MEETING - 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Warden, Rianda, Hahn

COUNCILMEMBERS ABSENT: Cook, Wright

Staff Present: City Manager Kersnar, City Attorney Savaree, Public Works Director Curtis, Community Development Director Ewing, Finance Director Fil, Interim Police Chief Mattei, Parks and Recreation Director Mittelstadt, City Clerk Kern.

REPORT FROM CLOSED SESSION

Mayor Hahn reported that the closed session scheduled for this evening had been cancelled. She reported that at the closed session held on March 27, direction was given, but no action taken.

SPECIAL ORDERS OF THE DAY/PRESENTATIONS

Certificate of Recognition to the City of Belmont for the City's dedication to the Children of San Mateo County from Assemblyman Papan.

Recognition to the City of Belmont for the City's commitment and efforts in strengthening families and helping to provide a safe environment for children and youth from the San Mateo County Child Abuse Council and the San Mateo County Board of Supervisors.

Mayor Hahn read these inscriptions and requested that staff find a place at City Hall for a display.

PUBLIC/COUNCIL COMMENTS

Mayor Hahn invited comments on anything not on the Agenda. There was no response.

AGENDA AMENDMENTS

Mayor Hahn announced that CC item 4-J (purchase of trailer for P&R) be continued.

CONSENT CALENDAR

Approval of meeting minutes: Jt. Meeting Council/ Finance Commission 3/15.

Approval of Warrant List Dated: 3/19/01 in total amount of \$217,640.31 and dated 3/23/01 in total amount of \$85,820.06

Written Communication 1). Rec. 3/22/01 draft decision of C. Bilas & C. Wood A. 97-12-020 from SF PUC; 2). Rec. 3/26/01 Comments of PG&E in support of Draft Decision of C. Bilas and C. Wood A.97-12-020, I.97-11-026, A.94-12-005, I.95-02-015 (U39M); 3). Rec. 3/28/01 Opinion re. PG&E motion to extend date for tendering notice of intent associated with TY2002 Gen. Rate Case, A.97-12-020, I.97-11-026, A.94-12-005, I.95-02-015.

Motion to approve Claims Management Report.

Motion to waive reading of Ordinances.

Ordinance No. 959 amending Ordinance 360 (The Zoning Ordinance) Section 2.60 regarding the definition of "Floor Area, Gross.

Ordinance No. 960 establishing Regulations for the use of the public right-of-way.

Resolution No. 8962 authorizing the City Manager to execute a Professional Services Agreement with ARM Tech for Risk Management Assessment.

Resolution No. 8963 approving professional services agreement with Wayne Seminoff for revenue collection of dormant assets.

Resolution approving purchase of a trailer for Parks and Recreation from Turf & Industrial

Equipment. (NTE \$6,081.48).TABLED TO MEETING OF 4/24

Resolution No. 8964 approving plans and specifications and authorization to advertise for bids for Spot Repairs, Sanitary Sewer Rehabilitation Project, Basins 10, 13 & 15, City Contract No. 387.

Resolution No. 8965 accepting work, approving Contract Change Order No. 1, and authorization to Issue Notice of Substantial Completion for 2900 Ralston Avenue, Storm Drain Culvert Improvement Project, Casey Construction, City Contract No. 418.

Resolution No. 8966 approving a Permanent Encroachment Agreement for construction of Retaining Walls, Handrail and Stairs within the Public right-of-way at 1629 Notre Dame Avenue. (APN:044-342-060;Owner:Ferst)

Resolution No. 8967 approving Professional Services Agreement with Hilton, Farnkoff and Hopson to review sewer rates.

Resolution No. 8968 approving an Open Space or Conservation Easement and an Ownership and Open Space Management Plan for the sending Parcel (APN 043-203-300) in an approved Floor Area Transfer between said parcel and a discontinuous receiving parcel (APN 043-202-070) on Marburger.

Consent Calendar adopted as amended. Moved by C. Rianda, seconded by C. Warden, and approved unanimously, by roll call vote, with Councilmember Cook and Wright absent.

HEARINGS

Continued Hearing on Appeal by Mr. Ramirez on action taken by the Planning Commission meeting held on January 16, 2001, on the application for Variance and Grading Plan for three single family homes and additional construction requirements granted to Mr. Voskoboynikov concerning the property located at 2594, 2596 and 2598 Coronet Blvd. APN No. 044-026-170,-210,-220. (Continued from 2/13)

Attorney McCracken reported he was representing the Voskoboynikovs and requested a 60-day continuance for this project, so that the owners could work with the staff to come up with a plan that would include access off Ralston Avenue to the project.

In response to C. Warden, City Attorney Savaree stated that there wasn't any downside to continuing this item for 60 days. She said if the project was denied it would require the applicant to consider litigation if it could not get resolved quickly. She said the applicant has indicated that they would rather work with the city than to discuss litigation. City Attorney Savaree noted that the Council would not be giving up any rights if they agreed to continue this item. She said if a plan was not forthcoming within the next 60 days, the Council could put this item back on the agenda and take action on the appeal.

In response to C. Rianda, Community Development Director Ewing stated that he thought the Planning Commission would want to look at any new development that was proposed. He said it could possible be on two tracks. One would be through the appeal process, or a new application. He said he would have to wait and see what happened.

Attorney McCracken stated they would appreciate this project staying here as an appeal, so they would not have to go back through the Planning process again.

Mayor Hahn opened the hearing.

Mr. Rameriz, 2607 Prindle, stated that the appeal had been upheld and he would like the applicant to have to go back through the process, hold hearings and get approval on the new project.

City Attorney Savaree clarified that the applicant would submit a new project that would be taken back through the process. She said they would bring a new project forward within 60 days.

C. Hahn explained that the appeal was not null and void. It was being continued for 60 days, so that a new plan could be submitted to answer the neighbors concerns.

C. Rianda stated that she thought the applicant had listened to the neighbors and was willing to find a new access, so the neighborhood would not be impacted.

Ms. Wooster, 2590 Coronet, noted that three wetlands vegetation had been spotted on the site. She said these wetlands next to a riparian area needed to be addressed.

C. Rianda suggested that the staff present their report so that the residents could hear what the staff had found out since the last hearing.

Ms. Wooster stated that the Corp of Engineers had just contacted the City regarding the wetlands habitat today. She said they indicated that a permit was needed to build in this location.

Mr. Mathewson, 1820 Oak Knoll Drive, Planning Commissioner, stated that if this project came back to Council with access off of Ralston, he would like to make sure the safety concerns were addressed adequately.

On motion by C. Warden, seconded by C. Hahn to close the public hearing.

C. Rianda stated that she would like to hear the staff report before voting to close the public hearing.

City Manager Kersnar clarified that the applicant had requested a 60-day continuance of this matter.

He said this staff report focused on overturning the Planning Commission decision.

C. Hahn stated that consensus had been reached to continue this matter for 60 days. It would not void the appeal.

On motion by C. Warden, seconded by C. Hahn to continue this matter for 60 days on request of the applicant.

C. Rianda stated that she would like to hear the staff report before voting to continue.

Community Development Director Ewing stated that the staff would have a more detailed staff report at the next meeting, because there would be more detailed analysis done during the next 60 days. He stated that this staff report only covered the appeal on grading and parking. He said the continuance would accomplish two things: 1). applicant would have time to redesign the project; and , 2). staff would have time to investigate and report on the other issues that have been raised.

In response to C. Warden, Community Development Director Ewing stated that the zoning change on parking that was being considered would not take effect until 30 days after the second reading. He said if they were to resubmit plans before that timeframe, they would be under the old zoning regulations.

C. Warden stated that he had concerns about the access and the set back for parking.

C. Hahn made a motion to continue this item for 60 days. This motion failed for lack of a second

Principal Planner DeMelo summarized the concerns expressed by Council regarding the lack of parking and excessive grading for 2594, 2596 & 2598 Coronet Blvd. He said the item was continued for more staff research on the project. He said upon investigation staff determined that the amount of grading was not necessary to allow reasonable use of the site and an alternative plan should be considered to facilitate development of the site. He said taking direct access from

Ralston Avenue would achieve this goal. He noted that the proposed project provided for two covered garage-parking spaces per unit, but did not provide any additional on-site parking. He said for this reason, areas within the immediate vicinity of the site may be overburdened. Thus approval may be detrimental to the public health, safety or welfare of properties or improvements in the area.

Mr. Jacobs, 2605 Prindle Road, stated that he would like to know how the neighbors could be involved in finding a solution for this project.

On motion by C. Rianda, seconded by C. Warden and approved unanimously, with C. Cook and Wright absent to close the public hearing.

Action: on motion by C. Warden, seconded by C. Rianda, and approved 3-0 (Cook, Wright, abs.) to continue for 60 days.

Council concurred they would be looking an improved on-site and off-site parking, and grading. They hoped that the applicant would include the neighborhood in revamping this project and the redesign of the project.

Recess: At this time, being 8:15 P.M. this meeting was recessed.

Reconvene: At this time, being 8:20 P.M. this meeting was reconvened.

Hearing to consider an appeal filed on Feb. 16, 2001, by Mr. Shehabi, regarding Planning Commission action taken on February 6, 2001, denying a FAR exception, for property located at 3817 Naughton Avenue, Lot 7, Block 111 Subdivision Belmont Country Club Properties, Assessor's Parcel No. 043-111-180.

Principal Planner deMelo reported that the Planning commission denied this Floor Are Ratio exception for an 821 square foot addition to an existing 1,200 square foot home at 3817 Naughton. He noted that 1,200 square feet was normally allowed in the HRO-2 Zoning District.

Mayor Hahn opened the Public Hearing.

Mr. McCracken, 840 Malcolm Rd., Suite 100, Burlingame, Attorney for Mr. Shahabi, stated that his was not a spec. Home, the Shahabi family intended to live here. He clarified that the 821 square feet was not an addition to the home. He explained that 228 square feet of the total 821 square feet would be added on the rear of the home; 478 square feet would be converted from an existing crawl space under the dwelling, and the 115 square feet of patio space would be walled in. He said the next addition was only 228 square feet. Mr. McCracken explained that he noticed on the agenda, that the Council was approving a new Floor Area Zoning amendment. He said that once this ordinance was adopted, it would allow the 478 square feet that already exists. He reported that the staff report indicated that this addition would not increase the bulk and would not grant special privilege. Mr. McCracken stated that the findings made by the Planning Commission were legally insufficient and the evidence did not support their arguments. He said that his research indicated that some FAR expectations had been granted in the past. He noted that 16 neighbors supported this exception.

Mr. Herrmann, Remax Today, 907 Montgomery St., San Carlos, reported that he had contacted 10 land owners in the area to try and provide a density transfer for the Shahabi property.

Mr. Gibson, 3114 East Laurel Creek, Planning Commissioner, stated that he thought that under the new zoning amendment this existing home would be 1500 square feet. He said there were two reasons for construction limitations in this area: 1). To control the mass of the house; and, 2) limit the number of people that could occupy this large addition. He reported that if Mr. Shahabi could not meet the standards set forth in the San Juan Hills Area Plan, then he should not be allowed to add more square footage.

Mr. Mathewson, 1820 Oak Knoll Drive, Planning Commissioner, said he supported Mr. Gibson's comments. He explained that most of the properties that were used to compare the FAR were located in the R1-B zone, which allowed higher Floor Area. HRO-2 normally allows a maximum of 1,200 square feet. He said if this was allowed the General Plan would be contravened, and would be a grant of special privilege. Mr. Mathewson urged the Council to uphold the Planning Commission.

Attorney McCracken stated that these Commissioner's comments were biased and it was ludicrous to think that a 1200 square foot home with four people would be a burden to the infrastructure. He said that the technical staff was guided by the ordinances, not emotions. He requested that the Shahabi family be allowed to move into their modest home.

On motion, by C. Warden, seconded by C. Rianda, and approved unanimously, with C. Cook and Wright absent, to close the public hearing.

C. Warden stated that people usually have a density transfer completed before they build a home, not the other way around. He said just because the applicant could not find anyone to sell him density was not a reason to grant this exception.

In response to C. Rianda, Principal Planner deMelo explained that the exceptions to the FAR were in a different zone.

C. Rianda said she could not figure out why the Shahabi family hadn't applied for a variance when they first constructed this home in the summer of 2000. She said a 68% increase was a grant of special privilege and she could not support this proposal.

C. Hahn said she could not figure out why the house was not designed adequately in the first place. She said money could have been saved if this project had been presented to the Planning Commission originally. C. Hahn said she felt a strong obligation to uphold the Planning Commission unanimous vote.

C. Warden stated that the fact that the zoning in the neighborhood was zoned differently, was enough reason to vote to uphold the Planning Commission. He said he would like stronger language added to the Resolution that indicated this difference.

City Manager Kersnar explained that if Council had language they would like included, it could be added as a motion along with the adoption of the resolution. or it could be continued for further consideration

C. Rianda and Warden offered amendments to paragraph 7, line 2. Add the wording HRO-2 to the middle of the wording "neighboring properties". They suggested the wording "and within the same zoning district" be added to the end of the last sentence in that same paragraph.

Community Development Director Ewing clarified that the surrounding properties were subject to a different zoning standard, and that was the inconsistency that would deny this FAR exception.

He requested that Council all the staff to bring this Resolution back for Council consideration.

City Attorney Savaree stated she thought this was a good idea. She explained that the Planning Commission was doing this when new testimony was presented at the hearings. She said the new Resolution would adequately reflect this new information.

Action: on motion by C. Warden, seconded by C. Rianda, and approved on a vote of 3-0, (C. Cook and Wright absent), to direct staff to bring back a Resolution that would mention the two zoning districts and the different standards that apply to those districts.

OLD BUSINESS

Update on Fire Station #14 and Council direction regarding Detailed Development Review Process.

Community Development Director Ewing explained that the Planning Commission had reached a major milestone in the process with the completion of the Preliminary Design Review. He said this review had been so complete, that the Planning staff and Fire Chief were proposing an alternative process, to facilitate this project moving forward two months earlier. He said the alternative schedule would allow for the General Plan, Zone Change, CUP and design review to move forward with two fewer meeting. He said staff would like direction on these two schedules.

Mrs. Kartman, 508 Mountain View Avenue, said that she thought the City Council should have been given a chance to see the first set of drawings for the Fire Station before a final decision was made to approve this design. She requested that Council approve the drawings before the project moves forward. Mrs. Kartman said this was an important project and she would like it to be done well.

In response to C. Rianda, Community Development Director Ewing explained that there would be two public hearings in June and July where public testimony would be taken. He said that the community would have opportunities to provide input during these meetings.

Mrs. Kartman said it was her understanding that only one design would be presented.

City Manager Kersnar explained that the changes to the site plan were made at the direction of the Planning Commission. He said detail changes to the design could still be made at these public hearings.

Community Development Director Ewing stated that the Planning Commission had the authority to rule on these changes and the Fire District had accepted these changes.

Mrs. Kartman stated that this plan did not include the second floor balcony, and she wondered if this element could be included in this design.

C. Warden stated that he was uncomfortable allowing this change in the process. He said he would rather keep to the original schedule.

C., Rianda stated she had no problem with expediting the process. She said the community would have an opportunity to give input at the two public hearings. She the South County Fire Board was frustrated with all the delays and wanted this project to move forward.

Action: on motion by C. Rianda, seconded by C. Hahn, and approved on a vote of 2-1 (Warden, no; Cook and Wright absent), to accept the revised entitlement schedule for Fire Station #14 project.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Review of Design Review Process.

This item was tabled to the meeting of 4/24.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Pre-qualification process for potential contractors for future City Projects. (Rianda)

C. Rianda requested that this be put on the agenda for discussion and direction.

Council concurred to have staff hold a study session to discuss the pros and cons on this subject.

Consideration of readdressing of City Hall and Twin Pines Park Facilities. (Hahn)

Mayor Hahn suggested that once the City Hall project was completed the new facility would have a Twin Pines Park address.

Ms. King, 1801 Notre Dame Avenue, stated that she was in favor of this idea, but requested that the address not include the word "Park".

Council concurred to change the address of City Hall at the time of the dedication of the new facility. The address for City Hall will be One Twin Pines Lane. All addresses in the park will change to reflect this new address.

Discussion and direction regarding Recognition and Annual Dinner timeframe. (Hahn)

Mayor Hahn requested a calendar for the recognition and annual Dinners.

Council concurred to have staff put together a calendar of these events.

C. Warden suggested holding the Commission Dinner before the commission interviews, which are usually held in February.

ADJOURNMENT at this time, being 9:15 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

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Meeting Tape Recorded and Video Recorded

TAPE NO 492